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JOHN RICE JONES:

A BRIEF SKETCH OF THE
LIFE AND PUBLIC CAREER OF THE FIRST PRACTISING LAWYER
IN ILLINOIS.

RICE JONES:

A BRIEF MEMOIR OF
THE LAST REPRESENTATIVE OF RANDOLPH COUNTY IN THE
GENERAL ASSEMBLY OF INDIANA TERRITORY,
AND THE
VICTIM OF AN HISTORICAL TRAGEDY OF EARLY ILLINOIS.

BY

W. A. BURT JONES.

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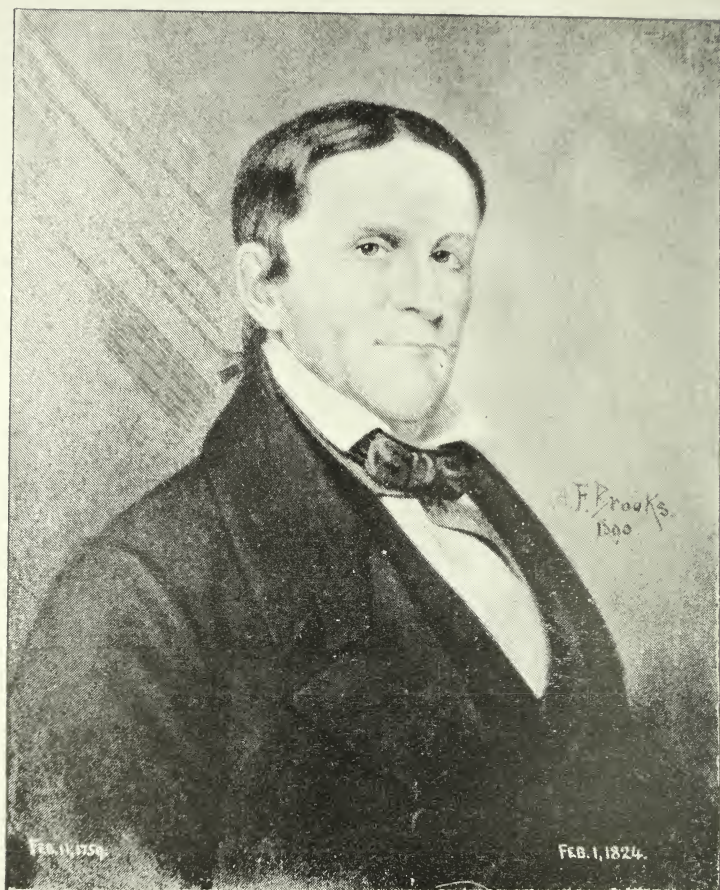
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Dr Rice Jones



JOHN RICE JONES.

A BRIEF SKETCH OF THE LIFE AND PUBLIC CAREER OF THE
FIRST PRACTISING LAWYER IN ILLINOIS.

By W. A. BURT JONES of St. Paul, Minnesota.

* * "A friend to truth, of soul sincere,
In action faithful, and in honor clear."

JOHN RICE JONES was born in Mallwyd, a beautiful village on the "murmuring Dyfi," in that wildest and most picturesque of all Welsh counties, Merionethshire, February 11, 1759. He was one of fourteen children and the eldest son of John Jones, Esq., a gentleman in good circumstances and of highly respectable social standing, belonging as he did to an ancient and honorable family celebrated in the history and poetry of his native country, "fair Wales, the land of song."

John Rice Jones received a collegiate education at Oxford, England, and afterward took a regular course in both medicine and law. He then established himself in the practice of the latter in London, where, in 1753, in St. George's Church, Hanover Square, his parents had been married, and where a number of relatives and friends resided. In a deed dated in 1783, and conveying to him certain property in Brecon, Wales, he, then a resident of the British metropolis, is described as "John Rice Jones of Thanet Place, in the Strand, in the Parish of St. Clement Danes, in the County of Middlesex, gentleman," which locates him pretty closely in the great city a hundred years ago.

He came to America in February, 1784, and located in Philadelphia, where he engaged in the practice of his pro-

fession, and made the friendly acquaintance of Dr. Benjamin Rush, Benjamin Franklin, Myers Fisher, the eminent lawyer, and other distinguished men, to some of whom he had letters of introduction. He remained here some two years, when, having long heard of the wonderful Far West, and evidently having strong confidence in the greatness and importance it would assume in the early future, he there decided to cast his lines, and accordingly set out on the long and tedious journey of over eight hundred miles to Louisville, Ky., his objective point, and then the most important American settlement west of the Alleghany Mountains, the trip to which was fraught with many perils and discomforts, yet which, we are told, was in many ways extremely interesting and enjoyable in a pleasant season of the year.

It is not known whether he came with his family from Philadelphia to Fort Pitt—now the city of Pittsburg, in the centre of a vastly-extended civilization, but then an isolated and lonely military post on the remote frontier—and thence down the Ohio River by boat, or came entirely overland by the only other route to the West, which crossed the Blue-Ridge Mountains above the head-waters of the Potomac, then led down between that range and the Alleghanies to old Fort Chissel, and thence *via* the Great Wilderness road, which admitted of only horseback and foot travel, through Kentucky by way of Cumberland Gap. He reached his destination in safety, however, as, after his departure from Philadelphia, we next meet him at the Falls of the Ohio, or Louisville, where, in Sept., 1786, he joined the army of one thousand men raised and commanded by Gen. George Rogers Clark, under the authority of Virginia, for the suppression of the hostile Wabash tribes of Indians. Gen. Clark proceeded into their country some distance above Vincennes, when it was deemed inexpedient—owing to the partial loss of supplies, shipped

after them *via* the Ohio, and to the discontent and desertion of some of the troops—to proceed further, and the little army, abandoning the expedition, fell back to Vincennes. Owing to the exposed condition of that post at the time, it was considered advisable to establish there a military garrison, and the project was determined upon and carried into execution at once by a council composed of the field-officers of the Wabash expedition, the garrison, it was decided, to consist of three hundred men—two hundred and fifty infantry, and a company of artillery under Capt. Valentine T. Dalton. Gen. Clark assumed the supreme direction of the corps, and levied recruits, appointed officers, and impressed provisions for their support.* Of this garrison, John Rice Jones was appointed commissary-general, in place of John Craig, Jr., who was first appointed but did not act.†

At this time, negotiations were pending between the United States and the court at Madrid relative to the concession by Spain of the right to the navigation of the Mississippi River by the Americans. This privilege had always been vigorously denied the United States by the Spanish government, and had become not only a bone of diplomatic contention between the two countries, but a fruitful cause of ill-feeling between the citizens of the one and the subjects of the other living and intermingling on the borders of the western possessions of the nations concerned. The Spaniards there had repeatedly confiscated property of and committed other outrages upon Americans, and when an unfounded but readily-credited rumor came that congress had conceded everything to Spain, and that in consequence the citizens of the Far West would thenceforth have to champion their cherished cause alone and take care of themselves and their interests generally,

* Dillon's "History of Indiana."

† Dunn's "Indiana: A Redemption from Slavery."

intense excitement and resentment followed and prompted measures of summary retaliation for the depredations committed upon them in the past.

A systematic and vigorous course was adopted at Vincennes by Gen. Clark, under whose direction the garrison troops seized upon all Spanish property at the post and the Illinois, very considerable and valuable altogether, and turned it over to John Rice Jones, who as commissary-general, by regular appointment of Gen. Clark, retained a proper portion of the contraband property for garrison uses, and disposed of the remainder at auction* for the partial indemnification of citizens whose possessions had been as unceremoniously appropriated by Spanish pillagers. John Rice Jones was at this time only twenty-seven years of age, and his abilities and character must have been very marked to have secured for him in a brief period his considerable local prominence and, above all, the confidence and esteem, which he undoubtedly possessed, of such a man as Gen. Clark, "the Washington of the West, whose genius, abilities, and bravery, that elevated him above his fellow-men," rendered his friendship an honor to any man upon whom it was bestowed.

John Rice Jones seems to have become thoroughly imbued with the martial spirit of the period and country in which he lived. First we find him as a member of Gen. Clark's army, recruited at the Falls of the Ohio for service against the Indians of the Wabash; next as commissary-general of the Vincennes garrison; and after an interval of four years—a period in Mr. Jones' military history which the writer has no data concerning, but one in which the former no doubt continued his connection with the garrison until its dissolution in the summer of 1787, and from that time with local militia organizations—we accidentally discover him, so to speak, as one of "the effective men belonging

* Dillon's "History of Indiana," and Dunn's "Indiana."

to Capt. Pierre Gamelin's company at Post Vincennes, July 4, 1790."* This company was a militia organization designed to serve at home or in the field against the Indians, who throughout the spring and summer of 1790 "continued to wage irregular war against emigrating families and settlers along the borders of the Ohio, from its mouth to Pittsburg."

Their harassing hostilities occasioned Gen. Josiah Harmar's famous but fruitless expedition against them in the fall of this year, and called forth, under Maj. John Francis Hamtramck, the local militia, including Capt. Gamelin's company, at the post, in addition to the regular United-States garrison under him, which garrison was established in July, 1787, by the then Col. Harmar, to succeed that of Gen. Clark's creating. Hamtramck's expedition as ordered by Gen. Harmar, who himself operated against the Miamis, was directed against the Wabash tribes. Before the approach of this command, which is known in history as the "Wabash regiment," the Indians, not staying to do battle, fled precipitately, deserting several villages and their contents, which were destroyed by the white troops. Mr. Jones probably took part in other campaigns against the Indians, but the writer has had access to but few manuscript records, official or otherwise, which are scattered, and has not chanced to find any published work giving further information on the point.

In accordance with the act of congress of March 3, 1791, John Rice Jones received from the United States government a grant of one hundred acres of land, located near Vincennes, Northwest Territory, for his services as militiaman, as also did three of his brothers-in-law, the Barger brothers, as will hereafter appear.† He had before this probably acquired considerable real possessions, and in a

* Law's "Colonial History of Vincennes."

† "American State Papers—Public Lands," Vols. I and VII.

few years became an extensive land-owner, as the early territorial records of both Indiana and Illinois, as well as the general government archives, abundantly attest. The Ordinance of 1787 imposed the ownership of considerable real estate conditional to eligibility to the higher civil offices, as it did in a smaller measure to the right to hold lesser ones, and even to the right of suffrage. It is likely that in those days of scarcity of money, John Rice Jones frequently had to take real property, or claims thereto, in exchange for legal services, and by that means, as well as by purchases outright, accumulated his many thousands of acres of land. In 1808, he paid taxes on 16,400 acres in Monroe County alone; he and Pierre Menard, Gen. John Edgar, Robert and William Morrison, James O'Hara, Richard Lord, and a few others, being heavy owners.

Unlike most pioneers, he did not engage in promiscuous pursuits, as trading with the Indians, hunting and trapping, cultivating the soil, merchandising, and so forth, but devoted himself entirely to the practice of his profession, in which he was very able, and to politics, in which he was as accomplished as he was influential, and cut an important figure. He very soon acquired and always continued to enjoy an extensive and lucrative law-practice, and this professional success combined with his reputation as a classical scholar, as a man of varied and extensive learning, of practical knowledge of men and affairs, and of great ambition, coupled with a mental activity and an energy of character equally remarkable, soon placed him among the most prominent men in a country where those of his qualifications and qualities were the exception and not the rule. As such a character he was found by John Gibson, secretary of the newly-formed Indiana Territory, on his arrival at Vincennes, in July, 1800. With Mr. Gibson he early formed a close personal and political friendship, and similar relations immediately grew up between

him and Gov. William Henry Harrison, after the arrival of the latter, in January, 1801, to assume the administration of territorial affairs.

Gov. Harrison at once recognized his abilities, and in the latter part of January or early in February, commissioned him attorney-general of the Territory, the first civil office ever held by Mr. Jones, so far as we are informed. We have it on the authority of historians that John Rice Jones not only enjoyed the political confidence of Gov. Harrison, but that their personal relations were of a very intimate nature, and that Mr. Jones exercised a by no means inconsiderable influence as an adviser of the governor up to the time of their rupture, in 1807-8. He continued attorney-general until the date of his appointment as a member of the territorial legislative council, in February or March, 1805, and therefore filled the former office for a period of exactly four years.

In December, 1802, there convened at Vincennes the famous slavery convention of that year, which, outside of the general assembly, was the first public body of a universally representative character to formally discuss the delicate question in all its bearings, and to lay the sentiments and wishes of the majority of the people of the entire territory before congress. The delegates, twelve in number, were chosen by the people in a regular election, held, pursuant to proclamation of the governor, simultaneously in the several counties, and, of course, represented the predominating sentiment of their respective constituencies. The members "ranked among the most intelligent and public-spirited men of the Territory," and were Gov. Harrison, Col. Francis Vigo, Wm. Prince, Luke Decker, Pierre Menard, Robert Reynolds, Robert Morrison, Jean François Perry, Shadrach Bond, Maj. John Moredock, and, it is thought, Davis Floyd and William Biggs. Theirs are now historic names, and all were strong pro-slavists except

the last two, or whoever were the two representatives from Clark County.

Gov. Harrison was president and John Rice Jones secretary of this convention, which continued in session eight days, and on the last day, December 28, agreed on a memorial and petition, probably the work of the skilful, able, and fluent pen of their secretary, to congress. They prayed for the suspension for ten years of the sixth article of the Ordinance of 1787, "the *Magna Charta* of the West," which prohibited, but did not prevent, slavery in the territory; and among many things, recommended Gov. Harrison for reappointment and John Rice Jones for chief-justice of the territorial court. Only two of the requests were granted: that for the payment of a salary to the attorney-general—to which office, then held as from the first by John Rice Jones, it is presumed fees had been attached—and that for the right of preëmption to actual settlers on public lands.

John Rice Jones strongly favored the advance of the territory to the second grade, or representative form, and used his influence toward the accomplishment of that end, which was achieved by a majority of one hundred and thirty-eight of the freeholders of the territory at the election held September 11, 1804. Members of the house of representatives were chosen at the election of January 3 following, and that body convened at Vincennes on February 1, and, in accordance with law, nominated for councillors ten men whose names were forwarded to President Jefferson, for him to select from them those of five men to compose the legislative council. The president returned five commissions with the spaces for names left blank, with instructions to Gov. Harrison to choose out of the ten nominees the five best fitted, in the governor's opinion, for the responsible offices, rejecting "land-jobbers, dishonest men, and those who, though honest, might suffer them-

selves to be warped by party prejudices." Those selected, one for each county, were John Rice Jones, Benjamin Chambers, Samuel Gwathmey, John Hay, and Pierre Menard, all assuredly able men, whose superiors intellectually and morally it would have been difficult to find anywhere.

John Rice Jones was appointed from Knox County, the seat of government of which was also the territorial capital, Vincennes, and continued its representative in the council until October 26, 1808, when the governor, for reasons that appeared to him sufficient, permanently dissolved the general assembly—an act that was premature, in that it left no authorized body to organize the first legislature of the new Indiana Territory, as contemplated by law, and rendered special congressional legislation necessary in the matter.

During the second and last session of the second general assembly, which was the last held under the old organization, and which second session began on September 26, 1808, and continued exactly one month, John Rice Jones was president of the legislative council, the three preceding sessions of that body having been presided over by Benjamin Chambers. Immediately after the expiration of his service as councillor, extending over a period of some three years and seven months, John Rice Jones removed to Kaskaskia, the seat of government of the newly-erected Illinois Territory, whither he had removed from Vincennes in 1790 and where he continued to reside till about the beginning of 1801, when he returned to Vincennes. His son, Rice Jones, had located at Kaskaskia in the practice of law in 1806, and had become very prominent politically, having in the election of July, 1808, been chosen to represent Randolph County in the lower house of the general assembly, which office he continued to hold till the dissolution of the legislature in October

following, as before mentioned. John Rice Jones continued to make his home in Kaskaskia, after his removal thither in the fall of 1808, till his removal to St. Louis some two years later.

In 1805, a memorial to congress in favor of domestic slavery in a modified form and against a division of the Territory was introduced into the general assembly, but defeated; not on the slavery question, for both houses were overwhelmingly pro-slavery, but because a majority of the representatives in the lower house were friends of division. A petition embodying the slavery part of the memorial was afterward signed by a large majority of the members of both houses, in a non-representative capacity, and duly forwarded to Delegate Benjamin Parke in congress. Among the signers was John Rice Jones, a consistent pro-slavist, whose name, it appears, was affixed to various memorials and petitions presented to congress at different times in favor of the temporary abrogation of the much-discussed *sixth article* of the Ordinance of 1787, but who, so far as the writer has discovered, was neither a fanatic on the subject nor a holder of slaves, though he was abundantly able, as a man of wealth, to be an extensive owner. [See note on page 139.]

If it was a heinous crime to advocate the legal suspension, by act of the supreme legislative body of the Nation, of the slavery-debarring provision of the ordinance under which the territories came into being, what was it to hold and traffic in negro bondsmen, in direct violation of an existing law, though that law was questionable as in itself a violation of three antedating promises and guarantees most solemnly made? Yet a great majority of the foremost men in the territories of Indiana and Illinois were slave-holders—men equally conspicuous for their intelligence, patriotism, and social respectability, as well as for their political prominence.

Among the leading public men besides John Rice Jones who were pronounced pro-slavists, were such characters as Gov. Wm. Henry Harrison, Secretary John Gibson, Delegate, afterward Judge, Benjamin Parke, councillors Benjamin Chambers, Pierre Menard, Robert Reynolds, Samuel Gwathmey, and John Hay; Col. Francis Vigo, Judge Jesse B. Thomas, Hon. Shadrach Bond, Gen. John Edgar, Gen. Washington Johnston, Judge John Johnson, and hundreds of other eminent public characters, extending down to the time of and including such men as Gov. Ninian Edwards, Judge Nathaniel Pope, Hon. Sidney Breese, Secretary-of-State Elias Kent Kane, and, in short, almost every man of public note throughout the Indiana and Illinois territorial periods, and many for long years after the admission of Indiana into the Union.

Such were the exalted public and private virtues of these men that they were then good enough company for anybody, whatever his pretensions to moral worth, intellectual attainments, or patriotism, to be in, and however such company might now be esteemed by a more virtuous age. All these men went to their graves honest believers in the perfect propriety of slavery, and while the institution as a political establishment has since been forever abolished by constitutional amendment and swallowed up in an ocean of precious blood, shed in part by some of those men's descendants, arrayed against one another in the deadly strife of fratricidal war, it is alone the province of that Judge before whom they have been called, as all others must be, to pass judgment upon their "iniquity" as absolutely conscientious upholders of a principle and practice their opponents could not possibly more honestly condemn.

Amid the discharge of his duties as councillor, his activity in politics, his attention to his professional business, always large, and to private affairs, and his domestic concerns as well, John Rice Jones still found the time to

revise and prepare for publication—in conjunction with Hon. John Johnson, another able lawyer and a member of the house—the statutes of the Territory, under the following title: “Laws of the Indiana Territory, comprising those Acts formerly in force and as Revised by John Rice Jones and John Johnson, and passed (after Amendments) by the Legislature; and the Original Acts passed by the First Session of the Second General Assembly of the said Territory, begun and held at the Borough of Vincennes on the 16th day of August, A.D. 1807.” This revision had been adopted by the general assembly with but trifling amendment, “was a careful and thorough one,” says Judge Howe,* and was long the main substance of the statute laws of both Indiana and Illinois.

In an act passed by the general legislature in 1807, incorporating the Vincennes University, now represented by both the Vincennes University at Vincennes and the Indiana State University at Bloomington, “for the instruction of youth in the Latin, Greek, French, and English languages, mathematics, natural philosophy, ancient and modern history, moral philosophy, logic, rhetoric, and the law of nature and nations,” John Rice Jones, who had been one of its most zealous promoters, as would be naturally expected from one of his broad education, was named as one of the first board of trustees, which was composed of William Henry Harrison, Thomas T. Davis, John Gibson, Henry Vanderburgh, Waller Taylor, Benjamin Parke, Peter Jones, James Johnson, John Badollet, John Rice Jones, George Wallace, William Bullitt, Elias McNamee, Henry Hurst, Gen. Washington Johnston, Francis Vigo, Jacob Kuykendall, Samuel McKee, Nathaniel Ewing, George Leach, Luke Decker, Samuel Gwathmey, and John Johnson†—“men who had large and liberal ideas

* Howe’s “The Laws and Courts of the Northwest and Indiana Territories.”

† Dillon’s “History of Indiana.”

of education, and who reflected the true spirit of the framers of the Ordinance of 1787."

An important piece of business to come before the second session of the second general assembly, begun September 26, 1808, was the election of a successor to Hon. Benjamin Parke, who had resigned as delegate in congress to accept a seat on the territorial supreme judiciary bench. Prominent among the prospective candidates before the legislature was John Rice Jones, who had been solicited by a great many friends and admirers to enter the contest. Local politics had become many sided and decidedly mixed; there were both pro-slavists and anti-slavists who were opposed to division, and also members of each of those factions who were in favor of that measure; and in this state of affairs the selection of a delegate was sure to be a prolonged fight, though the divisionists' success was assured. As an able man and an ardent friend of division, John Rice Jones was "the favorite of the people of the Illinois country, but the anti-slavery people would not support him because he had long been identified with the Harrison party, and was a pronounced pro-slavery man."*

Among other leading candidates was Speaker-of-the-house Jesse B. Thomas, who, though no less an out-and-out pro-slavist than divisionist, was finally compromised on by the antagonistic elements of his party, and elected; but not before John Rice Jones, who as president of the council or as a controller of other men's votes, evidently held the balance of power, had, conditional to his support of Speaker Thomas, required and extracted from him the most solemn pledges of fidelity to his party.† Remaining true to these promises, Delegate Thomas worked for and speedily secured the division of the Territory, to the hu-

* Dunn's "Indiana."

† Dunn's "Indiana," and Ford's "History of Illinois."

miliation of the Harrisonians, whose chagrin and rancor led at Vincennes to the hanging in effigy of the offending delegate. At Kaskaskia the feeling was equally bad, and produced among other serious incidents the passing of a challenge between Hon. Shadrach Bond, afterward governor of Illinois, and Rice Jones, ex-representative in the territorial legislature of Indiana, and a son of ex-councillor John Rice Jones, and finally ended in the deplorable assassination of Rice Jones by a dastardly partisan, who by instant flight from the country undoubtedly saved himself from summary punishment at the hands of an enraged community.*

Reference having been made heretofore to the rupture between Wm. Henry Harrison and John Rice Jones, and several historians deeming it a subject of sufficient interest to the public of today to call for more or less extended observations on their part, a few words on the subject will not be inappropriate in this sketch. One writer, whose strong prejudices, if not malicious motives, are evident, predicating a theory upon what later and obviously more just and careful historians consider imaginary grounds, for they declare that there is no documentary evidence as to what the real cause of the falling-out was, refers the "important event," as a judicious writer† terms it, to disappointment on the part of John Rice Jones, growing out of his failure to secure the bestowal of greater patronage of Gov. Harrison; and then in the same spirit this amiable writer proceeds to say that John Rice Jones made it appear that the ostensible reason for his disagreement with and consequent opposition to Harrison was a difference of opinion as to the expediency of the advance of the Territory to the second grade of government as early as that step was consummated.

* Reynolds' "Pioneer History of Illinois."

† Dunn, in his "Indiana."

This statement is palpably false, inasmuch as all accounts agree that John Rice Jones was conspicuous as an active and zealous promoter of the second-grade cause; and if further refutation of the infamous charges,* direct and indirect, of the writer in question were needed, it would be only necessary to state the notorious fact that for years after the Territory had entered the secondary form of government, its executive and the subject of this sketch were on terms of close personal and political friendship, as reputable historians declare, and as is incontrovertibly proven by Gov. Harrison's appointment of John Rice Jones to high office in those later years,† as also by the testimony to their cordial relations up to a date so late as 1807-8, by other writers on Indiana history who have anything to say on the subject.‡

To the writer of these pages, the most simple, reasonable, and natural explanation of the rupture between Gov. Harrison and Councillor Jones was the question of the

* To asperse and misrepresent a living man on the anonymous charges and insinuations made against him by a partisan foe during the excitement of a heated political period, or by a personal enemy at any time, is bad enough; but to assault the character and violate the memory of a man long dead through the mediumship of just such irresponsible and infamous attacks, is infinitely worse, is the part of neither an honorable man nor a gentleman, but rather that of a vile traducer, and should be far beneath the dignity of anyone making pretensions to the claim of being an historian. In reference to such slanders, a man's friends may pointedly ask, in the words of Hon. Edward Everett, in a speech once delivered by him in the national house of representatives, "can any gentleman tell me how long it is since an anonymous miscreant, in the papers, accused Thomas Jefferson of having pillaged thirteen hundred dollars, I think it was, from the public chest? Has any gentleman forgotten that pathetic complaint of George Washington, that he had been assailed in language fit only 'for a pick-pocket—for a common defaulter?'" Verily,

"Be thou chaste as ice, as pure as snow,
Thou shalt not escape calumny."

† The second grade of government was entered upon September 11, 1804, and four months later Harrison appointed John Rice Jones a member of the council—a favor he would hardly have bestowed upon a political and personal enemy.

‡ Dunn, in his "Indiana," page 361, for instance.

division of the Indiana Territory. This question, as is well known, divided the people latterly into violently antagonistic factions, whose clashing sentiments on this one subject caused the severing of personal attachments between many individuals whose political opinions on other measures were either in perfect harmony or temporarily adjustable, but who were uncompromising on this; engendered wide-spread and all-pervading excitement and partisan feeling; produced in connection with the indirectly-involved slavery question, pro and con, strange combinations and associations of men and sentiments, and characterized the campaign preceding an election of two representatives to the general assembly, which chanced to become necessary at the time, as the most animated and bitter one that ever occurred in the Territory, before or afterward, or in that of Illinois. The successful candidates for the legislature in the election in question were Rice Jones in Randolph County and John Messinger in St. Clair County, both of whom were zealous divisionists.*

As has been intimated, the defeat of the Harrisonians or anti-divisionists was a crushing disappointment to them, for the results of the election placed the balance of legislative power, by a slight majority, in the hands of the separationists, and the loss of the election drove the rabid partisans among those who were opposed to division to extravagant expressions, actions, and acts, among the last the disgraceful proceeding at Vincennes, indicative of the despair and fury. John Rice Jones, who then lived at Vincennes, the seat of the territorial government, and in the county of Knox, the governor's favorite county and the stronghold of the Harrisonians, was as a pronounced divisionist and a distinguished character, doubly conspicuous as an object of dislike and abuse on the part of

* Edwards' "Illinois," p. 30; Address of Welcome by Citizens of Randolph County to Gov. Ninian Edwards, June, 1809.

many of those of opposing sentiments. Under the peculiar circumstances prevailing, no two men could be friends who openly avowed and publicly advocated conflicting views on the burning division question, and therefore John Rice Jones necessarily experienced a rupture with Gov. Harrison, who was, as is equally a matter of record, a radical anti-divisionist, using all his personal and official influence to defeat the friends of the Illinois-Territory project, as it was to his selfish interest to do.

From the date of their first acquaintance, early in 1801, up to the time that the question of the separation from Indiana of the Illinois country and its erection into an independent territory assumed importance in the public mind and began to be seriously agitated among the people, which was probably early in 1807, John Rice Jones and Gov. Harrison were personally and politically intimate, and they continued to be friends until probably about the middle of 1808, when their split upon the rock of territorial division became complete, and very naturally their relations afterward were not amicable; John Rice Jones, as he had the inalienable right to do, opposing, and that ably, and not alone but with thousands of his fellow-citizens, the policy and plans of the Harrison party, whose speedy overthrow in the latter part of 1808 may reasonably be accepted as a proof of the weakness and injustice of their cause.

John Rice Jones had not only been a personal friend of Harrison's, but also an able and valued counsellor of the administration, as well as a man of very considerable personal influence with the people. Consequently, as a recent careful writer* observes, "he was no small loss to the Harrison party. He was at that time a councillor, with more than two years to serve; he had a full knowledge of the inside workings of past political movements; he had the

* Dunn, in his "Indiana: A Redemption from Slavery."

ability to use his knowledge to the best advantage; and he was absolutely tireless in his political work." We thus see that he was qualified to make a powerful opponent of the Harrisonians, and indeed it is a matter of record that he and other leaders of the opposition "goaded their enemies almost to madness," and also gathered the people in such numbers to their support as to defeat the Harrison party in the memorable election of July 25, 1808, which gained for the victors their coveted object of territorial division, on February 3, 1809, by congressional enactment.

From an early day to the time of his removal, in 1810, to Louisiana, afterward Missouri, Territory, John Rice Jones enjoyed an extensive and lucrative practice at law, his eminent professional ability being universally recognized and in frequent demand. His practice extended from Cahokia to Louisville, embracing besides those places Kaskaskia, Prairie du Rocher, Vincennes, Shawneetown, and Clarksville, and also trans-Mississippi points, as St. Louis and Ste. Genevieve, especially after the cession of that country to the United States, in 1803, by France.* No writer in speaking of him has failed to pay the highest tribute to his jurisprudential learning and ability, all agreeing with one who has declared him "a scientific and profound jurist, and through life a sound and enlightened expounder of the law;" and his contemporary political and personal enemies, like his *post-mortem* defamer, all conceded his preëminent talents and legal attainments. He was the first English-speaking lawyer in Indiana, and the first to practise his profession in Illinois, locating at Kaskaskia in 1790, and frequently attending court there and at other extreme western points after his return to Vincennes, some ten years later, to reside.

His knowledge of various national laws was remarkably extensive, embracing not only a familiarity with American

* Reynolds, Dillon, Dunn, *et al.*

principles and procedure, but also a thorough acquaintance with Spanish and French laws, particularly concerning the intricate subjects of land-grants and titles in the West; while as a consequence of his legal education and practice in England and Wales, he had a clear and full understanding of the principles and rules of law and courts of those countries, as references in some of his opinions as a justice of the supreme court of Missouri in a measure bear witness.*

In addition to his legal erudition, he was deeply versed in mathematics, "which he preferred to any other science," and was also an accomplished linguist, thoroughly grounded in Greek and Latin, and perfectly conversant with French and Spanish, as well as Welsh—his mother-tongue—and English, learned early in life. His knowledge of French and Spanish enabled him to transact business with great facility with the large portion of the inhabitants of the far-western country who understood only those tongues, and who did not often find a competent interpreter in their dealings with the English-speaking authorities and Americans in general. His intimate and correct knowledge of the latter two languages was not only of very great advantage to him in his law practice and private business affairs, but caused his services to be often sought as an expert translator of old documents and interpreter in courts for non-English speaking people. He was for some time official interpreter and translator of the French, by regular appointment, to the board of commissioners at Kaskaskia, appointed under act of congress of March 26, 1804, for the adjustment of land titles and claims in that district.† All historians also agree that he was a brilliant speaker,‡ and in oral debate and controversy, as also with the pen,

* See "Missouri Reports," 1820-24.

† "Annals of Congress," 15th cong., 2d sess., Vols. I and II; also "United States Statutes at Large—Private Laws, 1789-1845."

‡ Reynolds, Williams, McDonough, Dunn, *et al.*

"a perfect master of satire and invective." One who knew him personally declares that while "his friendships were ardent and sincere, his hatred and anger were excessively scathing for the moment," and that "when his feelings of ire were excited, his words burnt his victims like drops of molten lead on the naked skin."*

In December, 1808, occurred that melancholy event heretofore alluded to, the assassination of Rice Jones, the talented son of John Rice Jones, at Kaskaskia. This lamentable tragedy, about which we shall have more to say in a sketch of its victim, was a terrible blow to his father, as may be easily understood, and its associations in Illinois were of such a sickening nature as to render a continued residence there objectionable. At this time, the upper Louisiana Territory, rapidly developing under the quickening influence of the United States government, but a few years previously extended over it, was attracting very considerable attention and emigration from the older settled sections eastward; and in the summer of 1810, in response to the earnest recommendation and urgent invitation of personal friends, Mr. Jones removed thither with his family, first locating at Ste. Genevieve, thence in a short time going to St. Louis, and after a brief residence there, removing to and settling at Mine à Breton, subsequently incorporated as Potosi, and which became the seat of Washington County on its organization in 1813.

Here he at once became largely interested and systematically engaged in the mining and smelting of lead ore, first in company with the celebrated Moses Austin and subsequently in connection with his sons. With Mr. Austin he erected the first cupola or reverberatory furnace ever constructed in the United States,* which was greatly superior to the primitive furnace that had been in use in the mines since the time they were first opened, about

* Reynolds' "Pioneer History of Illinois."

1765, by Francis Breton, as well as throughout all the lead-mining districts in the country. He probably brought with him from Wales, in a large part of which mining of different kinds was then as now an important industry, some practical ideas on the subject.

The learned Henry R. Schoolcraft visited the Potosi mines in 1819, and in an interesting work* published shortly afterward, in describing the more important mines operated by "persons of intelligence and capital," says: "John Rice Jones, Esq., is engaged in penetrating the rock in search of ore, with the most flattering prospects, and is determined, as he informs me, to sink through the upper stratum of limestone and to ascertain the character of the succeeding formations. It is highly probable, reasoning from geognostic relations, that the lower formations will prove metalliferous, yielding both lead and copper, and such a discovery would form a new era in the history of these mines. The present mode of promiscuous digging on the surface would then be abandoned, and people made to see and to realize the advantages of the only system of mining which can be permanently, uniformly, and successfully pursued, *viz.*: by penetrating the bowels of the earth." The success of the experiments of Mr. Jones and Mr. Austin, each then operating independently and being the first to so experiment, had the effect of making deep mining popular, as predicted by Mr. Schoolcraft, and moreover rendered the entire mineral region a profitable field for operations for many succeeding years.

John Rice Jones' intimate and critical knowledge of the lead-mines of the district, including their output, state, value, characteristics, and the subject of the industry in all its aspects and stages, from the crude ore in the mines to the commercial article of pig-lead, with the items of cost of manufacture, transportation to foreign markets,

* "A View of the Lead-Mines of Missouri," etc.; New York, 1819.

etc., of the latter, etc., etc., is shown by a lengthy and exhaustive report made by him under date of "Mine à Burton, 6th Nov., 1816," to Hon. Frederick Bates, St. Louis, recorder of land-titles in Missouri, at the latter's request, and which Mr. Bates forwarded bodily to the commissioner of the general land-office, Washington, as his own report on the subject, which had been called for by the commissioner; Mr. Bates' report proper being a brief communication opening thus: "Sir:—While I was preparing to transmit to you my own opinions in answer to your inquiries of the 3d of July last [1816], I received a letter from John Rice Jones, Esq., who is a man of extensive and accurate observation, joint claimant with Mr. Austin in the Mine à Burton tract, and conversant, as I am told, with all the economy of mineral operations. After so minute and comprehensive a statement as he has given, nothing remains for me except a more special reply to your third inquiry." This third inquiry related to the "state of the land-titles generally," which Mr. Jones forebore to answer, "as it would be indecorous for an individual, even were he both competent to the task and possessed of the necessary information, to attempt to enter into a particular investigation of any land-titles," as he states in his letter to Mr. Bates.*

John Rice Jones became largely interested in mineral lands and other landed property while residing at Mine à Burton. By a legal instrument dated at "Mine à Burton, District of Ste. Genevieve, Territory of Louisiana, Nov. 8, 1810," it appears that he and Moses Austin were then joint owners of "the Mine à Breton tract" of land, "three miles square" (nine square miles, or five thousand seven hundred and sixty acres of rich mineral lands), for an interest in which and certain lots in the town of Herculanum they had been offered \$150,000, a large sum of

* "American State Papers—Public Lands," Vol. III, pp. 700-3.

money in those days, and for the purpose of engaging in the extensive mining and smelting business on which they at that time were about to consummate the formation of a powerful chartered corporation—the legal document named constituting an important preliminary step to that end. Mr. Jones died leaving a claim before congress for a tract of several thousand acres of valuable land in Illinois, on an appeal from the arbitrary ruling of the Kaskaskia commissioners, which claim was allowed his legal representatives so late as 1854.

John Rice Jones, who soon became distinguished in Missouri for his legal acquirements, his intelligence, his sound judgment, and his force of character, was, as one of the three representatives from Washington County and one of the forty-one that composed the body, “a wise and efficient member” of the convention that framed the first constitution of the State of Missouri. The convention met in St. Louis on June 12, 1820, and completed its labors July 19 following. After its temporary organization, he was one of a committee of five appointed “to draft and report rules and regulations for the order and government of the convention.” He was one of four candidates before the convention for its permanent president, and, though defeated, he received a complimentary vote for the position. “The constitution was a model of perspicuity and statesmanship, and withstood all efforts to supplant or materially amend it until the celebrated ‘Drake convention’ of 1865,”* and as Gov. McNair declared in his first message to the first general assembly under the new form of government, was “a statesmanlike instrument that did honor to its framers and to the infant State for which it had been framed.”

This first general assembly met in St. Louis in September, 1820, and among its first and most important duties

* Switzler’s “History of Missouri.”

was the election of two United-States senators. Hon. David Barton, a great and good man, was chosen on the first ballot, but the filling of the remaining senatorship was not so easily nor in the end unanimously accomplished. For that honor there were five aspirants, namely: John Rice Jones, Col. Thomas H. Benton, Judge John B. C. Lucas, and Messrs. Henry Elliot and Nathaniel Cook. John Rice Jones received a handsome vote, as also did Messrs. Cook and Elliot; but it becoming evident that the contest would inevitably narrow down to a struggle between Judge Lucas and Col. Benton, who were mortal enemies, the latter having a few years previously slain in a duel a gifted son of the former, the other three candidates withdrew, and according to their sentiments joined the Lucas or the Benton party. Though Col. Benton was finally chosen over his able and noble adversary, by very considerable manœuvring and by a slim majority of one vote, the contest for the prize was prolonged, spirited, bitter, and in some of its phases intensely dramatic, and forms one of the most remarkable and interesting episodes of the kind in the political history of the West. "The balloting continued through several days without success, and the excitement that prevailed has not been excelled by any senatorial election which has since occurred in this or any other state," says one historian.*

Of the two votes that elected Col. Benton, one was that of a Frenchman, Hon. Marie P. LeDuc, who had repeatedly declared that he would suffer the loss of his right arm rather than vote for Col. Benton, and who only changed his mind after subjection for a prolonged period to incessant argument, persuasion, and entreaty by a powerful combination of personal and political friends; the other vote, that gave the bare majority of one, was cast by Hon. Daniel Ralls, who, unable from illness to attend the joint

* Switzler, in his "History of Missouri."

session of the legislature, was finally carried on his death-bed, by four large negroes, from his room to the legislative hall, both in the same building, and was just able to vote, dying a short time after being returned to his chamber.*

At the same session of the general assembly, John Rice Jones was appointed one of the three justices of the supreme court of the new State, Mathias McGirk and John D. Cook being the other two; and after four years of service, alike creditable to himself, the bench, and Missouri, in this exalted position, he died while in office, February 1, 1824, at St. Louis, within ten days of the completion of his sixty-fifth year, at which age the constitution excluded persons from the supreme bench, and deeply lamented not only by the bench, bar, and general public of Missouri, but by a wide circle of personal friends throughout the country, among them many prominent men of the day. Conspicuous among those whose distinguished friendship he had enjoyed, were Hon. Henry Clay, Col. Richard M. Johnson, Hon. Pierre Menard, Hon. David Barton, Judge Alex. Buckner, Judges Mathias McGirk and John D. Cook—his associates on the supreme bench, Col. Henry Dodge, Hon. Edward Bates, Col. Thos. H. Benton, Hon. Wm. T. Barry, Judges Jas. Haggins and Jesse Bledsoe, Judge James H. Peck, Hon. Henry S. Geyer, Hon. John F. Darby, Hon. George F. Strother, Gen. Wm. H. Ashley, Hon. John Scott, Judge Nathaniel Pope, Judge Samuel McRoberts, Gov. John Reynolds, Hon. Ninian Edwards, the distinguished Morrison and Parker families of Kaskaskia and Lexington, respectively, and a great many more, whose friendship and esteem would have honored any man on earth.†

Having sketched Judge Jones' public career, as well as

* Darby's "Personal Recollections."

† Letter from ex-U.-S. Senator George Wallace Jones, who personally knew all the gentlemen named, and to whom they often spoke of his father, Judge John Rice Jones, in terms of respect and admiration.

our imperfect data would admit, it now remains to briefly consider his character and more personal traits, from the stand-point of those who knew him well in life, and who, therefore, may be considered competent authorities on the subject. Perhaps no fuller and more reliable description of him is available than that given by ex-Gov. John Reynolds of Illinois, in his valuable "Pioneer History." The author of that work knew Judge Jones personally and also was well acquainted with many men who knew him intimately—Hon. Robert Reynolds, the governor's father, and an old pioneer, among them—and as an unquestionably honest, truthful man, a close observer of excellent judgment, an industrious gleaner of facts, and a conscientious, careful historian, his statements are entitled to the fullest credit. This work of Gov. Reynolds has been largely drawn on by all subsequent western historians for biographical and other data preserved nowhere else, and his descriptions of many prominent men of early days if not all that is knowable about them are, at least, the foundation of all biographies of them.

This authority states that Judge Jones "possessed a strong and active mind, was rather restless, and excessively energetic. * * He always employed his time in some honorable business, and never permitted himself to be idle or engaged in light or frivolous amusements. Like most of his countrymen, he possessed strong passions, and at times, although he possessed a strong mind, his passions swept over his reason like a tornado. When his feelings of ire were excited, his words burnt his victims like drops of molten lead on the naked skin. He was mild and amiable until some injury or insult, as he supposed, was offered him, when he burst asunder all restraints and stood out the fearless champion of his rights, bidding defiance to all opposition. He possessed a great degree of personal courage. * * The death of Judge Jones was regretted

by a wide circle of friends and the public generally. His integrity, honor, and honesty were always above doubt or suspicion. He was exemplary in his moral habits, and lived a temperate and orderly man in all things. * * He was perfectly resigned to his fate, and died with that calm composure that always attends the exit of the noblest work of God, an honest man. * * The person of Judge Jones was small, but erect and active. His complexion was dark, and his hair and eyes very black. His eye when excited was severe and piercing."

We thus have a graphic moral and character portrayal and a life-like physical portrait of Judge Jones that must be gratifying to everyone interested in the distinguished subject of this sketch. The just eulogistic utterances of Gov. Reynolds could not be enhanced by the most ardent of friends and admirers, while to the personal description nothing is to be added of particular historical interest except, perhaps, that Judge Jones was very dignified in his manners, refined in his tastes, scrupulously neat in his person, and very particular in his dress, a part of which was the old-time knee-breeches, so closely associated in the modern mind with the antique cue, in which style he always wore his hair; and that besides being erect and active, as age advanced he developed that style of portliness that adds so much to the dignity of presence and manners.

John Rice Jones was twice married. His first wife was Eliza, daughter of Richard and Mary Powell, a native of London, born May 24, 1759, and married in St. Mary's Chapel—Church of England, to which both families belonged—in Brecon, Wales, January 8, 1781. Of this union there was the following issue:

Rice, born at Brecon, Brecknockshire, Wales, September 28, 1781.

John, born at Brecon, Feb. 10, 1783, and died in infancy.

Maria, born at Brecon, March 21, 1784.

Myers Fisher, born at Vincennes, Northwest Territory, U.S.A., March 11, 1787, and died at an early age.

The mother of these children was an accomplished and refined woman of gentle birth, and died at Vincennes, now in Indiana, March 11, 1787, deeply mourned by her devoted husband and children. A biographical sketch of Rice Jones, the eldest child by this marriage, follows in this volume.

Maria, the only daughter, who was at the time of the removal of the family to America, in 1784, too delicate, as declared by a medical adviser, to bear the fatigue of the long ocean voyage, was left with friends in Wales. It was the father's intention to return for her when older and stronger, but the early location of the family in the remote West, and the death there of her mother a short time afterward, precluded the execution of this cherished purpose while she remained a child, and when she was old enough to make the journey alone, she had become so beloved and loving a member of the most estimable family with whom she made her home as to induce her to continue a member of that household, though she subsequently paid several protracted visits to her relatives in America, between whom and herself there ever subsisted the tenderest attachment. In 1834, her half-brother William Powell Jones, U. S. N., visited her in Wales, subsequently accompanied her on a tour in France, and thence conducted her to the United States. Her deep and fervent piety and genuine Christian spirit, combined with a charming sweetness of disposition, great nobility of character, and cultivated intellect, secured her many devoted and undying friendships wherever she was known. She never married, and died among relatives and friends in London at an advanced age.

The second wife of Judge Jones was Mary, eldest

daughter of George and Margaret Barger, whom he married at Vincennes, Northwest Territory, February 11, 1791, four years after the death of his first wife. She was a woman of many virtues and of those sterling qualities of character that were developed in all women subjected to the refining and strengthening ordeal of the peculiar vicissitudes and conditions of life and society in the early West, whither her father with his wife and a large family of children emigrated from Pennsylvania and settled in the country northwest of the Ohio at a very early day.

The Bargers were of German ancestry, whose language they all spoke as well as the English and French. It is likely that the German was the first learned and for years the household language of the family, as the children of Mary (Barger) Jones relate that she always, even in age, said her prayers, learned at her pious mother's knee in childhood, in that tongue, though she was thoroughly conversant with both English and French, which she commonly spoke. Her father, George Barger, with other members of the family, were among those who had their claims under French or English grants confirmed by Gov. St. Clair of the Northwest Territory, under the resolves of congress of June and August, 1788,* and later by the U.-S. commissioners, appointed for the purpose of adjusting the old colonial claims; and her brothers Frederick, Peter, and George Barger, together with her husband, John Rice Jones, were members of Capt. Pierre Gamelin's company of militia at Vincennes, in 1790,† and as such took part in Col. Hamtramck's campaign against the Wabash tribes in the fall of that year;‡ and for these, if not for other services against the Indians, they each received from the general government donations of one

* "American State Papers—Public Lands," Vol. I, pp. 509-10.

† Law's "The Colonial History of Vincennes."

‡ Dillon's "History of Indiana."

hundred acres of land, conformably to the act of congress of March 3, 1791, as "militiamen duly enrolled in the militia at Vincennes on August 1, 1790, and who had done militia duty."*

It is a fact sufficiently curious and interesting to merit mention in this connection that no two of the four sisters married men of the same nationality or blood—Mary marrying a Welshman, John Rice Jones; Christina a Spaniard, Diego Rodrigues; Elizabeth a Frenchman, Baptiste La Chapelle, a descendant of that Bazyl La Chapelle who settled in Kaskaskia about 1710; and Susan, the youngest, an Irishman, William Shannon, a merchant and banker and highly-esteemed citizen of Ste. Genevieve, and the early friend and patron of the late U.-S. Senator Lewis V. Bogy of Missouri.

Mary (Barger) Jones was rather small and slight in form, and had regular features and very black hair and eyes. She was of a very gentle nature, and highly regarded by all who knew her. She was born in Pennsylvania, May 17, 1767, and died at Potosi, Missouri, at her home with her son, Gen. Augustus Jones, on Jan. 6, 1839, having lived to a good old age and survived her husband some fifteen years. Following is a list of the children of John Rice and Mary (Barger) Jones, with dates and places of birth:

John Rice, born Jan. 8, 1792, at Kaskaskia, N.-W. Ty.

Eliza, born Jan. 10, 1794, at Kaskaskia, Northwest Ty.

Augustus, born Feb. 18, 1796, at Kaskaskia, N.-W. Ty.

Harriet, born Oct. 16, 1798, at Kaskaskia, Northwest Ty.

Myers Fisher, born Oct. 19, 1800, at Kaskaskia, Indiana Territory.

George Wallace, born April 12, 1804, at Vincennes, Indiana Territory.

Nancy, born June 17, 1806, at Vincennes, Indiana Territory; died young.

* "American State Papers—Public Lands," Vols. I and VII.

William Powell, born May 13, 1810, at Kaskaskia, Illinois Territory.

Of the above children, the following are brief biographical notices that may not be without interest in this connection:

Gen. JOHN RICE JONES, the eldest son, served under Capt. Henry Dodge in the war of 1812, and removing to Texas, then a Mexican state, as early as 1831, became identified with its struggles for independence; which gained, he became postmaster-general under the three forms of the Republic, provisional, *ad interim*, and constitutional—proof enough of his ability and fidelity—in the cabinets of as many of its executives, namely, Gov. Henry Smith and Presidents David G. Burnet and Mirabeau B. Lamar, respectively, and was a personal friend of and fellow-patriot with those men and their compeers, Hon. Stephen F. Austin, “the father of Texas,” and his dearest of friends; Gen. Sam. Houston, Col. Wm. B. Travis, Col. James Bowie, Col. David Crockett, Col. Benjamin R. Milam, and the many others whose memories are justly dear to the people of Texas, and whose names are as “familiar in their mouths as household words.” Gen. Jones was one of the two executors of the will of the heroic Col. Travis, the other being ex-Gov. Henry Smith.

Locating in 1831 at San Felipe de Austin, he was one of the first settlers of that place, which, as Austin, is now the capital of the great Lone-Star State, and for years was one of its prosperous merchants. He died in Fayette County, Tex., on his plantation, “Fairland Farm,” in that eventful year in which the Republic he loved so well and had so long and faithfully served ceased to exist on becoming a state of the American Union—1845; and having married a daughter of Maj. James Hawkins in Missouri, in 1818, he left a large and respectable family of children

to cherish the memory and contemplate with just pride the record of a devoted father and a noble man.

Gen. AUGUSTUS JONES, the second son, was a private soldier in the second war with Great Britain, entering the service at the age of sixteen, and belonging, with his elder brother, to Capt. Dodge's company. For many years he was largely interested in mining, milling, and mercantile operations, and became a wealthy slave-owner and landed proprietor in Missouri, and later in Texas. He was a personal friend of Gen. Jackson, and during both terms of the latter as president served as United-States marshal of Missouri, during which period his valuable services, involving the performance of many daring deeds, evoked the formal acknowledgments of congress. He was for years major-general of the Missouri state militia; by a small majority was defeated on the Calhoun, or anti-Benton, democratic ticket for congress in his district, in Missouri, in 1844; commanded a company of volunteer cavalry in the Mexican war, during which he was for a time military-governor of Santa Fé, and in his younger days participated, as principal or second, in a number of duels. One of these was the fatal affair between Lionel Brown of Potosi, of whom Gen. Jones was second, and the noted Col. John Smith T.* Mr. Brown was a lawyer and a nephew of the famous Col. Aaron Burr, the slayer of Hon. Alexander Hamilton. The duel took place on the Illinois shore of the Mississippi River, at a point opposite Herculaneum, Mo., and resulted in the death of Mr. Brown, who at the first fire received a bullet in the centre of his forehead.

Gen. Jones died in February, 1887, at the age of nearly

* John Smith T was the odd name of Col. Smith. To distinguish himself from the many of the name, and also to indicate that he was from Tennessee, he had the "T" affixed to his name as a regular part thereof, by legislative enactment, in accordance with the laws of Missouri. He is said to have killed thirteen men in duels, and never to have missed his mark.

ninety-one, at Columbus, Texas, whither he removed in 1851. He was a freemason of high rank for nearly seventy years. He was thrice married, and left numerous descendants of great respectability. Among the sons was Augustus Dodge Jones, an able editorial writer and the talented author of the ingenious pamphlet "The True Method of Electing the President and Vice-President of the United States," which attracted considerable attention some years ago. He removed to California in 1850, where he resided some twenty years, and held various positions of trust, and edited and published a number of newspapers there and in Nevada and old Mexico, as also later in Arkansas. For some time he was deputy-surveyor of the port of San Francisco, and for many years was grand worthy patriarch of the order of Good Templars of the State of California. He died in St. Louis, Mo., in December, 1885.

Another son, William Ashley Jones, is well remembered as an early Iowa and Minnesota journalist and politician, and as a principal projector and executive officer of the first Minnesota railroad, the Winona and St. Peter—an enterprise in which he lost a large fortune. He was for years—in the '50's—a deputy U.-S. land-surveyor, as such subdividing extensive portions of Minnesota and Wisconsin; was one of two U.-S. commissioners appointed in 1855 by President Pierce to adjudicate the claims of the mixed-bloods of the Sioux nation of Indians to the great Lake-Pepin reservation, in Minnesota Territory; has held a number of honorable elective public offices, and at present is president of the Yankton, Okobojo & Fort Buford Railroad Company, a late project which has its headquarters at Pierre, South Dakota. A daughter became the wife of Dr. Stephen D. Mallowney, an able physician, a lieutenant in the Mexican war, and at the time of his death, in 1856, U.-S. consul at Monterey, Mexico. Another daughter married John P. Dunklin, a nephew of Gov. Daniel Dunklin of Missouri.

Hon. MYERS FISHER JONES, the third son, named for one of his father's distinguished Philadelphia friends, was a man of excellent mind and heart, and in the '20's and '30's prominently engaged in iron-smelting, milling, stock-dealing, and farming—with his slaves—in Washington County, Mo., which county he for a period represented in the state legislature. As an enterprising business man and citizen, he was selected as one of the representatives of his county in each of the two great internal-improvement conventions that met in St. Louis in April, 1835, and June, 1836, respectively, and which were composed of delegates, many in number and conspicuous in character, from every county in the State. They were the first important public meetings to discuss the railroad question in Missouri, and by projecting several lines of railway, "foreshadowed the system of roads now existing in the State and inaugurated the net-work of intercommunication which at this day encompasses the whole State." He was a member of the important committee appointed by the last convention "to raise means for a complete reconnoissance and survey of the routes of the two proposed roads, to secure the services of skilful and competent engineers, and to cause the work to be done with as little delay as possible"—duties which the committee duly performed.

Mr. Jones removed to Texas in 1839, where he became extensively engaged in farming and stock-raising on an eight-thousand-acre tract of land he had purchased, and also became locally conspicuous in defending frontier settlements against the frequent pillaging incursions of Indians or Mexicans, or both, he with his company at one time being absent from home three months in pursuing and punishing a desperate band of raiders, many of whom were killed and taken prisoners. He died in Texas in 1846. Twice married, he left numerous descendants of worth and most respectable character. One of his sons,

Oscar Peery Jones, served three years in the Mexican war, and another, Andrew Thompson Jones, was a young officer in the confederate army and twice made a prisoner-of-war.

Gen. GEORGE WALLACE JONES, the fourth son, named for another esteemed friend of his father's, George Wallace, son-in-law of Hon. John Gibson, secretary of the Indiana Territory, was educated at Transylvania University, Lexington, Ky., whence he graduated on July 13, 1825. He was bred to the bar, but ill-health prevented him from practising. He was clerk of the U.-S. district court for Ste. Genevieve County in 1826; served as *aide-de-camp* to Gen. Henry Dodge in the Black-Hawk war, in several engagements in which he took a prominent part, in one having his horse shot from under him; was chosen colonel of militia in 1832, and subsequently major-general; also as judge of the county court, by appointment of Gov. George B. Porter of Michigan, at the unanimous petition of the bar.

In 1835, he was elected delegate to congress from the territory of Michigan, and served two years as such, and two years as delegate from Wisconsin Territory. In 1839, was appointed by President VanBuren as surveyor-general of the Northwest; was removed in 1841 for his politics, but reappointed by President Polk, and remained in office until 1849. In 1848, was elected United-States senator from Iowa for six years, and reelected on Dec. 20, 1852, for six years more, officiating as chairman of the committee on pensions and enrolled bills and on the committee on territories. At the conclusion of his last term, he was appointed by President Buchanan as minister to New Granada, now United States of Colombia, South America. Recalled by President Lincoln in 1861, he was on his arrival in Washington most kindly received by that great

man, and fêted and feasted by the powers that were, including Secretary-of-state Seward, who subsequently issued an order for ex-Minister Jones' arrest after the latter had departed for his home at Dubuque, Iowa, and had him imprisoned, for reasons never made known, in Fort Lafayette, where he remained, for sixty-four days, until the accession of Secretary Stanton, who caused him to be immediately released.

Gen. Jones was the second of the lamented Hon. Jonathan Cilley, M. C. from Maine, in his fatal duel, in 1838, "on the Marlboro road to Baltimore from Washington City," with Representative William J. Graves from Kentucky. In an article on "Senate Eras," in *The Dubuque Times* some years ago, Gen. M. M. Trumbull, a graphic writer, thus refers to the subject of this sketch:

"Gen. Jones is today the most historic and perhaps the most remarkable character in the West. He sat in the senate with Clay and Webster and Calhoun, with Silas Wright, Benton, Crittenden, and Jefferson Davis, with Sumner, Seward, Chase, and Douglass. In the early part of the century, when Gen. Jackson was president, he sat in the house of representatives with Henry A. Wise and John Quincy Adams. His district included all of Michigan, Wisconsin, Iowa, and Minnesota. It now has over thirty representatives in congress. He left the senate, not because of personal defeat, but because his party had gone out of power in Iowa. The intimate and trusted friend of Andrew Jackson, the partner of Daniel Webster, he remembers Jefferson. On terms of personal acquaintance with nearly all of our celebrated warriors and statesmen, he numbered among his friends and enemies the mighty red kings, Black Hawk, Keokuk, and Poweshiek. A drummer-boy in the war of 1812, Gen. Jones is a young man yet. He walks erect without a cane, with a light and springy step, and claims none of the indulgence and im-

munities of old age." The distinguished gentleman is still in the possession of full mental and physical vigor at his home in Dubuque, and bids fair to enjoy life for many years to come.

Of Gen. George Wallace Jones' sons, George Rice Gratiot Jones was a captain of artillery in the confederate army, and as such taken prisoner at the surrender of Fort Henry and sent as the latter to the Union prison on Johnson's Island, in Lake Erie; another, Charles Scott Dodge Jones, also served in the Southern army, as an *aide-de-camp* on the staff of Maj.-Gen. Bushrod R. Johnson, until the former's capture in battle as a prisoner-of-war by the federals, who confined him in Fort Delaware for many months; while the other son, William Augustus Bodley Jones, being opposed to secession, early entered and served in the Union army. The first two were graduates of the Western Military Institute at Nashville, Tenn., in which Hon. James G. Blaine was at the time a professor, and the third named was partially educated there. Prof. Blaine was there introduced to Gen. Jones by Hon. Henry Clay, in 1850-1, as Mr. Blaine some years ago in Washington reminded Gen. Jones.

WILLIAM POWELL JONES, the fifth and youngest son, at the date of his untimely death, in July, 1834, from cholera, which he took when crossing the Mississippi River in a canoe at Dubuque, then in Michigan Territory, and died of shortly after reaching the western shore, was a passed-midshipman in the United States navy, and very shortly would have been commissioned a lieutenant, in which capacity he had acted in regular service at sea. He had just returned from a prolonged tour on the Continent and in England and Wales, for which he had obtained leave of absence for a year, and was visiting his relatives in the West before again reporting for duty at his post. Of a

bright mind, high-toned, and very ambitious, as well as of most engaging manners, he was a very promising young officer, as existing testimonials of his superiors in rank declare, and, if spared, in all probability would have in time attained an enviable rank and name in the history of the naval service of his country.

ELIZA JONES, the eldest daughter of Judge John Rice Jones, was married, in Missouri, to Hon. Andrew Scott, who was a native of Virginia, where he fitted himself for the law. He removed to Missouri at an early day, and was elected clerk of the house of representatives of the first territorial general assembly, and acted in the same capacity for that body at several succeeding sessions. In 1820, he was appointed, by President Monroe, U.-S. judge for Arkansas Territory, and as such officer organized that territory at "the Post of Arkansas." He was a man of much legal and juridical ability, and of the highest character, and throughout a long life a universally-respected citizen of Arkansas.

One of the historical incidents in his life in Arkansas was his killing of Gen. Hogan* in a personal *rencontre* at Little Rock, in 1827. Gen. Hogan, who was a large and powerful man, while Judge Scott was only of medium size, attacked the latter, and knocking him down with a tremendous blow of the fist, killed him it was thought by the by-standers. Recovering in a moment, however, he sprang to his feet, and drawing the blade of his sword-cane, then commonly carried, quickly advanced upon Gen. Hogan and drove the long, slender, keen weapon entirely through the latter's body. Gen. Hogan received a mortal wound, from which he a minute or two later dropped dead at his antagonist's feet, but not before he, Hogan, had desperately drawn the reeking blade from his body and

* It is believed by the writer that this was his name.

with it made a frantic lunge at Judge Scott, which would have instantly killed him by piercing him through the neck had not the innumerable folds of a fine Italian silk cravat, worn by Judge Scott, effectually turned aside the deadly weapon from its fatal course. Judge Scott immediately surrendered himself, and on his trial was acquitted by the jury without leaving their box in the court-room.

Among many descendants of Judge Scott are his children: Hon. John R. Homer Scott of Russellville, Ark., an ex-state senator and a captain in the confederate army; Mrs. J. Russell Jones, wife of the U.-S. minister to Belgium under his warm personal friend, President Grant; and the late Mrs. Benjamin Campbell, wife of the ex-U.-S. marshal for the northern district of Illinois,* both of which latter gentlemen reside in Chicago.

HARRIET JONES, the second daughter of Judge Jones, was twice married. Her first husband was Thomas Brady, who for many years was a prominent merchant and business man of St. Louis, as a member of the old and wealthy firm of McKnight & Brady.† He never held any public office; was born in Ireland, March 17, 1781; married to Miss Jones in Missouri in 1814; and died near St. Louis, October 11, 1821. This union was blessed with five children, one of whom became the wife of Col. George W. Campbell, deceased, late of Chicago; one the wife of Dr. Jacob Wyeth, a native of Cambridge, Mass.; and another the wife of Mr. Ferdinand Rozier of Ste. Genevieve.

* Mr. and Mrs. Campbell are the parents of Mrs. Gen. O. E. Babcock, widow of one of Gen. Grant's staff-officers.

† The members of this firm were John McKnight and Thomas Brady, and are not to be confused with their respective brothers, Thomas McKnight and James Brady, who under the style of Brady & McKnight were a later-formed firm than the preceding, though latterly contemporaneous with it. Says Darby: "The early records of deeds still show the immense amount of real estate owned by these firms in St. Louis city and county, and other counties of the State. In their day and time they also did the largest mercantile business in the City of St. Louis."

Some years after the death of Mr. Brady, his widow became the wife of the celebrated Hon. John Scott of Ste. Genevieve, an eminent lawyer and a successful politician, who figured prominently in the early history of Missouri as territorial councillor, delegate in congress for four years, a member of the first State constitutional convention, and representative in congress from 1822 to 1826. He was a native, as was also his brother Judge Andrew Scott, of Hanover County, Virginia, and a graduate of Princeton College. Says a recent historian:* "John Scott, a great lawyer, would have been noticeable anywhere, with his long white cue of hair hanging gracefully down his shoulders, or else clubbed and tucked up with a comb. A man whose conversation would interest you even in a fit of the toothache—a suave, courteous, peppery gentleman of the old school, who bowed and complimented and swore, as might be expected from the son of a planter of 'the slashes of Hanover,' who always carried dirk and pistol on his person, and was always ready to give and receive a challenge." He died at Ste. Genevieve in 1861. His descendants are numerous and highly respectable, among them the wife of Hon. Samuel Montford Wilson, the eminent lawyer of California, who for a time was influentially recommended for the position of secretary of the interior in President Cleveland's cabinet.

The daughters of Judge Jones were high-spirited women of marked intellectuality and character, and, like their brothers, were "a credit to the stock from which they sprung." In concluding this imperfect memoir, we reproduce the following observations, made by a well-known writer,† last above quoted, who in speaking of Judge Jones'

* Scharf, in his "History of St. Louis City and County."

† Franc B. Wilkie—"Poliuto"—the talented and versatile author and journalist, in a biographical sketch of Gen. George Wallace Jones, in *The Chicago Times* of February 20, 1886.

children, says: "It is rare in the history of families that so many sons have been born who were so even in their developments, and of whom each was characterized by a high order of ability both from nature and acquirement. Each of them rose far above the average level of men, and each played a conspicuous part in the drama of life."

Note to be read after second paragraph on page 108:

Since writing the above, the author has learned from a reliable source that John Rice Jones owned slaves at Vincennes, Kaskaskia, Ste. Genevieve, and Potosi, or during the entire period dating from shortly after his coming to the Northwest Territory, in 1786, if not before, to the time of his death, in Missouri, in 1824. All of his children were likewise slave-owners.

RICE JONES.

A BRIEF MEMOIR OF THE LAST REPRESENTATIVE OF RANDOLPH
COUNTY IN THE INDIANA TERRITORIAL GENERAL ASSEM-
BLY, AND THE VICTIM OF AN HISTORICAL
TRAGEDY OF EARLY ILLINOIS.

By W. A. BURT JONES of St. Paul, Minnesota.

* * * "Oft and well
Remembrance shall his story tell,
Affection of his virtues speak,
With beaming eye and burning cheek."

RICE JONES, the gifted son and eldest child of John Rice Jones, by his first marriage, was born at Brecon, Brecknockshire, Wales, Sept. 28, 1781. In the autumn of 1784, he accompanied his parents to Philadelphia, whither the husband and father had preceded the wife and son in the foregoing spring to first satisfy himself as to the advisability of locating his family in the United States, and a few years later removed with the family to Vincennes. At an early age he was matriculated at Transylvania University, Lexington, Kentucky, the *alma mater* of so many eminent public men, and in due time graduated therefrom in letters and with much distinction. He subsequently took his degree in the medical department of the great University of Pennsylvania; but forming a dislike for the medical profession after a brief practice, he abandoned it and entered the celebrated law-school at Litchfield, Conn., at that time "the first institution of the kind in the United States,"* and which he quitted with increased honor after a period of intense application to

* American reprint of "Chambers' Encyclopædia."

study.* Returning to the West, he opened an office at Kaskaskia toward the close of 1806, and began the practice of law.

The career that opened before this extraordinary young man, intellectually brilliant, broadly educated, thoroughly equipped for his chosen profession and a life of usefulness and honor, and filled with the noblest aspirations, was indeed most promising, and moreover one that would undoubtedly have been realized in all respects but for his unfortunate active engagement in local politics, which then and for some four or five years later gave rise, in the western counties particularly, to party spirit of an intensely rancorous nature, and which raged with an unrestrained and almost incredible violence. Bitter partisanship on both sides characterized all the prominent politicians, conspicuous among whom was Rice Jones, who, though still very young, had risen by force of talents, zeal, and energy to the leadership of his party.*

It is not absolutely clear just what all the political differences between the parties were, but it is sure that the Indiana-Illinois territorial division question was a leading issue, coupled with the long-prominent slavery question, and equally certain that in time a great deal of personal jealousy and animosity aggravated, if it did not quite supercede, the political feeling. The long-continued excitement reached its greatest height in and immediately succeeding the memorable election of July 25, 1808, in Randolph and St. Clair counties, which was recognized as a life-and-death struggle between the pro-divisionists and their opponents throughout the territory of Indiana, and in which, as has been stated in the biographical sketch of John Rice Jones, victory perched upon the banner of the divisionists or anti-Harrisonians in both counties. In Randolph County, Rice Jones was triumphantly elected

* Reynolds' "Pioneer History of Illinois."

representative in the lower house of the general assembly, and John Messinger, a member of the State constitutional convention of 1818 and otherwise prominent, was chosen to represent St. Clair County in the same body.

It was a self-evident fact, in view of the then composition of the legislature, that the triumph of the Illinois party would result in the final overthrow of the Harrisonians, hence the bitter fight and feeling; and this was consummated by the election, at the next session of the general assembly, as delegate in congress of Hon. Jesse B. Thomas, speaker of the house, afterward president of the first State constitutional convention, and a judge of the first territorial court of Illinois, who speedily secured the separation of Illinois from Indiana Territory and its erection into independent autonomy. This fidelity to principle, and also to his plighted word and written bond—for John Rice Jones, then a councillor, to make assurance doubly sure, is said to have required both from him before agreeing to his election*—brought upon his devoted head the execration of the anti-division party throughout the Territory, who, while they justly recognized him as the final agent in their defeat, very unreasonably and irrationally charged him, a notoriously avowed and foresworn divisionist, with perfidy, and in one community, Vincennes, carried their malevolence to such an excess as to hang him in effigy.

At Kaskaskia, the Harrisonians' chagrin and keen disappointment, both personal and political, at defeat in the county election and that of Delegate Thomas, assumed the character of deep-seated hate in some whose rage could scarcely be contained, and personal conflicts between gentlemen on either side were constantly imminent. This state of affairs continued to grow from bad to worse, until it culminated in the assassination of Rice Jones, a leading

* Dunn's "Indiana," and Ford's "History of Illinois."

member of one of the parties, which in a measure satisfied the malignity of the one side, warned the other as to what they might reasonably expect from their unscrupulous enemies if the antagonistic conditions between them were maintained, and "quieted the party feuds for a time," if not practically permanently.

In order to review all the circumstances immediately connected with the killing of Rice Jones, we must turn back to an hour in the past period of the heated political canvass preceding the election named, in which a challenge to mortal combat under the rules of the *code duello* passed between Rice Jones and the Hon. Shadrach Bond, an ex-representative in the territorial legislature, afterward a delegate in congress from Illinois Territory, and the first governor of the State of Illinois. Rice Jones accepted the challenge, named pistols as the weapons, and at the appointed time the principals, with their attendants, Wm. Morrison as Jones' second and Dr. James Dunlap as Bond's second, and their surgeons, met on an island in the Mississippi River between Kaskaskia and Ste. Genevieve.

In those days, pistols and guns were provided with the now obsolete hair-trigger, which, as defined by Webster, was "so constructed as to discharge a fire-arm by a very slight pressure, as by the touch of a hair," and when the parties had taken their respective positions and were preparing to be in readiness for the word "fire," Rice Jones inadvertently touched the sensitive trigger of his weapon, which instantly exploded. The fact that the bullet from the exploded pistol entered the ground a few feet from Rice Jones and not in the direction of Mr. Bond, perfectly satisfied the latter that the shot was totally accidental, and, high-toned gentleman that he was, he so unhesitatingly declared it when his second, the infamous Dr. James Dunlap, exclaimed that the accidental explosion was Jones' fire, and that Bond might and should fire at his adversary

in return. The contemptible proposition was scorned by Mr. Bond, and the difficulty between the principals was settled on the spot on terms equally honorable to both.

The difficulty between them had been entirely of a political nature, or at least not resultant from a deep-seated personal enmity, and therefore was susceptible of comparatively easy adjustment; but such was not true with regard to the ill-feeling which had long existed between Rice Jones and Dr. Dunlap, and which became more intense as a result of the latter's unmanly position on the subject of the unfortunate accident on the duelling ground. There ensued between them a bitter controversy, which was taken up by their respective friends, and that extended to an angry newspaper contention, in which the scathing and acrimonious pen of Rice Jones, particularly as employed in the composition of a certain satirical poem, drove his adversaries to a pitch of fury closely bordering on mania, and evoked from them dire threats of personal violence upon the object of their rancor.

The ill-feeling of older standing, above referred to, had its origin in the arbitrary official conduct of Michael Jones* and Elijah Backus, land-commissioners at Kaskaskia, to which they were appointed in 1804; conduct which was deliberately pursued with the purpose to militate, as it did greatly, against the interests of not only Rice Jones and his father, but many of the people of the district, large numbers of whom, as their personal and political enemies the commissioners, especially Jones, taking advantage of their official position to wreck vengeance upon the objects of their dislike, years subsequently "branded with *perjury* and *forgery* to an alarming extent—many of the best citizens in the county being stigmatized with those crimes, without cause, and when they had neither means nor manner of defending themselves"† against the infamous and

* No relation of Rice Jones.

† Reynolds' "Pioneer History of Illinois," pp. 297-8.

unfounded charges. Such men as Michael Jones* and Elijah Backus were the friends of Dr. Dunlap and other mortal enemies of Rice Jones.

The arbitrary conduct first referred to was justly strongly resented by many, among them John Rice Jones and his son Rice, who were not the men to tamely submit to the gross impositions of the commissioners or any one else, and who in consequence were thereafter made the special victims of the official despotism of the commissioners in question, so far as it was possible for them to exercise it; and the later political popularity and triumph, in July, 1808, of Rice Jones tended still more to make him the particular object of the dislike of his political and personal enemies, prominently among whom were the above-named Michael Jones and Elijah Backus, who, as is a matter of record, deliberately "urged Dr. Dunlap and others to persecute Rice Jones in every way imaginable."† A part of this persecution was a newspaper attack by them upon him, who, as has been stated, got the better of them in his replies and retorts. Their threats then made against his life became, in November, 1808, so open and loud, and rumors of the existence of a plot to kill him so definite, as to no longer be endured with the silence with which they had up to that time been treated. John Rice Jones, who had just removed with his family from Vincennes to Kaskaskia, accordingly addressed the following note to Elijah Backus:

"KASKASKIA, 25th Nov., 1808.

"SIR:—I have just heard of your threats of yesterday, that if my son did not go out of the country he should in

* It should be noted that Michael Jones was the Harrisonian candidate for delegate to congress, in October, 1808, and that his defeat only tended to more greatly incense him against his political opponents and those who were so unfortunate as to fall under the ban of his vicious displeasure.

† McDonough's "History of Randolph County," p. 105.

a few days be put out of existence—'*it will be done, it shall be done.*' I now inform you that he will remain here, and if he should be murdered, either by you or through your instigation, I shall know where to apply. I must, however, confess that the threats of poltroons can be considered in no other light than as those of assassins.

"Yours, JOHN RICE JONES."

It is not known what immediate effect this communication had upon the conspirators, but it did not prevent them from carrying into execution to the letter their diabolical plot, for on December 7, following, Rice Jones was shot down in cold blood in a public thoroughfare of Kaskaskia, by James Dunlap, the cat's-paw of his co-conspirators, none of whom had the nerve to assume the responsibility of the enactment of the bloody deed they were capable of conceiving in the wickedness of their hearts.

The following particulars of the deplorable event are taken from a detailed account of the murder and circumstances attending it, contained in a book found some years ago in the old mansion of Judge John Morrison, in Waterloo, Monroe County, Illinois, when that structure was being demolished to make room for other improvements. Extracts from "Judge Morrison's old musty record of the killing" were published in *The Belleville News-Democrat* of February 18, 1887, and are here reproduced. This singularly-preserved, detailed, and authentic account, evidently made not a great while after the assassination, and in the place of its occurrence, from oral accounts of eye-witnesses of the tragedy, and by a man minutely informed on the subject, possesses a great historic value and sheds new light upon the sad occurrence. It testifies that:

"Rice Jones was shot down by Dunlap about six yards above the old elm tree. Dunlap came out of E. Backus' house about ten minutes before he shot Jones. He (Dunlap)

was there in company with Backus. John Menard was at Dunlap's when he came galloping home from killing Jones, and told his wife, in the presence of John Menard, that he had 'killed the rascal Jones.' John Clino, living with James Gilbreath, and Robert Morrison saw Dunlap shoot Jones. McCall was talking at the picket fence of James Gilbreath's yard, McCall on the inside and Dunlap on the outside of the pickets, when Rice Jones passed out of Robert Morrison's yard, going down to J. Edgar's, when, after he had passed Dunlap and McCall down the further side of the street, Dunlap jumped off his horse and hitched his bridle on the pickets where he and McCall were talking, and started after Jones, who was walking down the street, when he crossed the street up behind him, a distance of one yard, and Dunlap told him to stop. Jones immediately turned around, and Dunlap said: 'I am going to revenge myself,' and instantly fired his pistol, about three feet from the body of Jones. The ball entered his body on the right side, just below the collar-bone, and came out behind, about five inches below the top of his shoulder, close by the backbone. William Morrison and McCall ran to Jones, and several persons asked him what was the matter, and he replied: 'That rascal, Dunlap, has shot me.' And Morrison asked him for what reason, and Jones answered: 'I don't know;' and said: 'I am gone,' and expired in about five minutes.

"The moment Dunlap shot Jones, he ran back to his horse where McCall had stood, jumped on him, and galloped off as fast as possible to his house, where he told his wife, in presence of John Menard, that he had 'shot that rascal Jones,' and immediately loaded his pistols and started off down the road toward the Point, in company with R. Porter, and has never been seen since."

Here the account goes on to say:

"It is well known that Backus, Robinson, Gilbreath,

Finney, Michael Jones, and Langlois were in Cahise's holding counsel to kill this man Rice Jones. The day Dunlap sent a challenge to William Morrison, Bäckus, Robinson, and Gilbreath were at Dunlap's, with T. Smith holding the door fast, while Capt. Bilderback stood at the door a long time and could not get in, although his daughter was at the point of death. At last Dunlap opened the door, and said 'the men were in council for *that purpose*,' intimating the killing of young Jones, and Gilbreath answered Bilderback and said his daughter would not die for one hour. J. Edgar saw these men go down to Dunlap's that day and remain nearly two hours, and from the movements of these men back and forward from Dunlap's house for some time before that day and on the very day Jones was shot, [there was no doubt] that these men were accessories to the death of Rice Jones."

If there were lacking anything to thoroughly convince the world that the persons who compassed the death of Rice Jones were actuated by the most virulent passions, the measure of proof would be filled to overflowing by the following blasphemous and altogether unparalleled utterances, quoted from the Morrison record, of one of them, whose spirit may be presumed to have characterized all of the conspirators: "James Finney* said in Folk's 'that if he met Jesus Christ in the street he would give his hand in preference to Dunlap, and if Dunlap went to hell he would go to hell also in preference to going to heaven; and if Dunlap was to go to heaven, he would get a higher seat in heaven than Jesus Christ, and be set at the right hand of God for killing Rice Jones.'"

The friends of Dr. Dunlap farcically pretended to claim

* This James Finney is presumed to be the one of that name who from 1795 to 1803 was one of the twelve men who constituted the Randolph County court of common pleas, other prominent members of which were Justices John Edgar, Pierre Menard, and Robert Reynolds.

that he did the killing in self-defence, but eye-witnesses declared it, as do all historians, a deliberate and cold-blooded murder, by the law of both God and man—a fact of which Dunlap was perfectly well aware and knew would be easily proven, as is evidenced by his immediate abandonment of wife and children and flight to far-off Texas, as was subsequently learned, whence he never returned to answer for his crime in the temporal courts of Illinois. It was no doubt a part of the prearranged plan for Dunlap to flee the country, that he could not be brought to trial, in which his evidence would have hopelessly implicated his companions in crime as immediate accessories to the assassination. The case was brought to the attention of the grand jury, which, after bringing in an indictment against Dunlap for murder, also indicted Michael Jones, because “he did, on the 6th day of December, 1808, incite, move, aid, and abet, feloniously and with malice aforethought, the said James Dunlap to commit the crime of murder.”

When the case of *The United States versus Michael Jones* was reached on the calendar of the territorial circuit court, in September, 1809, Judges Alexander Stuart, Obadiah Jones, and Jesse B. Thomas presiding, the prosecuting-attorney, B. H. Doyle, presenting an affidavit of Archibald McKnabb, “an important witness,” to the effect that he was too sick to attend court, asked for a continuance of the trial, which being granted, Michael Jones was admitted to bail in the sum of \$3000, his sureties being John McFerron, Shadrach Bond, jr., Thomas Leavens, Henry Leavens, Henry Connor, and Samuel Cochran. The postponed case came up for trial on April 10, 1810, before a jury consisting of Wm. Rector, Paul Harralson, Thomas Wideman, Wm. McBride, John Anderson, George Franklin, David Anderson, John McFerron, Henry Connor, Geo. Creath, Jacob Funk, and James Fulton, who brought in a

verdict of acquittal. As "there were probable grounds for preferring the indictment," the court "exonerated the prosecutor—John Rice Jones?—from paying the costs!"*

The fact that among the jurors were two of the accused man's bondsmen and sympathetic personal friends, and other peculiar circumstances of the conduct of the case and trial, may not have any significance; but it is fair to infer that men who would be so far influenced by "hate that sins" and rank envy as to coolly plot the deliberate murder of a fellowman, would not scruple to avail themselves of any foul means that could be employed toward the acquittal of one on trial for complicity in a crime to the committing of which they all contributed and in the perpetration of which they gloried—the death of one whose brilliancy, virtues, personal popularity with the people, and promise of great political and professional success, filled his enemies with a jealousy which, with the disappointment of political defeat and the pruriency of personal enmity, simply made the matter of his removal imperatively necessary to their peace of mind. These are the conclusions that force themselves upon the mind when the facts and circumstances preceding and attending the murder are studied in their true relations.

While it is a matter of historical record that "the whole community mourned the death of this fine young man, cut off in his prime by an assassin," it is equally certain that the finding of the jury was not in accord with the popular verdict; for familiar as they must have been, from the notoriously open threats and malevolent actions of the enemies of the murdered man, with the circumstances leading up to the killing, the people knew, however a jury might decide, that James Dunlap was guilty of murder in the first degree, and that Michael Jones, Elijah Backus, James Gilbreath, James Finney, and their worthy *confrères*

* McDonough's "History of Randolph County, Ill."

were immediate accessories to the atrocious crime; and as such they will go down in history—gloriously to them, in their own estimation, be it said, if they died entertaining the shocking sentiments heretofore quoted as expressed by the blasphemous Finney, one of the immortal band.

Of the abilities and qualities of Rice Jones, it is here and now unnecessary to speak at length, as all writers concede his extraordinary capacity, his brilliant talents, and his varied mental attainments; while his noble personal characteristics were such as to greatly endear him to the mass of the people, whose hearts were not of that unhappy kind that beat in the breasts of his implacable enemies. However preëminent a man may be intellectually, if detestable traits and odious conduct distinguish him, "the entire community" in which he dwells never grieves for him, as did the people of Kaskaskia and the county of Randolph for Rice Jones. While they abhorred his slayers and their bloody deed, they mourned his death and his tragic fate, because

"His life was noble, and the elements
So mixed in him, that Nature might stand up
And say to all the world, This was a man."

Ex-Gov. Reynolds of Illinois, who knew him personally and was intimate with many public men and others who knew him well, writing so late as 1852, declares that "judging from the character he acquired at school and from what was known of him at Kaskaskia, it is not improbable that his superior was not in the country before or after his death. * * He possessed a strong intellect and was also endowed with an excessive ambition, together with an ardent and impetuous disposition that showed the Welsh temperament more than his father," and that, altogether, "he was a young man of exceedingly great promise." Another historian, in concluding a notice of him,

declares that in his untimely death "the bar of Illinois was deprived of one of its most promising members and politics of a bright particular star;" and all writers who have occasion to speak of him, without exception, express similar glowing opinions of him.

One of his classmates at the Transylvania University, who afterward became nationally eminent as a U.-S. senator from Kentucky and as vice-president of the United States, the learned and brilliant Col. Richard Mentor Johnson, often spoke of him to Gen. Geo. Wallace Jones, who sat with Johnson in the national senate and was a half-brother of Rice Jones, and declared him, the latter, one of the most gifted men he had ever known. Such having been the case, who can help but think that had he not fallen a victim to the deadly hatred of assassins he would have become one of the most distinguished sons of his adopted State, and left a name that she would have proudly cherished forever among those of the illustrious men who have made her history so glorious. Yet she will not forget him whose able and zealous advocacy of her claims to recognition as a territory was largely instrumental in defeating the machinations of her enemies and speedily placing her on the way to early admission and that proud place among the sisterhood of states which she soon achieved, has ever maintained, and will continue to grace.*

* The address of welcome of the citizens of Randolph County to Gov. Ninian Edwards on his arrival in Kaskaskia in June, 1809, opens thus: "Presuming that you may be in some degree unacquainted with the feelings and sentiments of the citizens at this important crisis, we can not forbear to express our hopes that you will take into consideration that the majority, whose incessant exertions effectuated a division of the territory, have a claim on your excellency for the calumnies, indignities, and other enormities which those who opposed that measure never ceased to heap upon the friends and advocates of the present system of our government. In announcing these truths, while we deplore that the gentleman [Jesse B. Thomas] who was elected to congress and ultimately succeeded in obtaining justice for us, was hung in effigy at Vincennes, by the opposers of the division, and that one

Still he died neither unwept nor unsung, and chroniclers of early Illinois history will continue to pay that just tribute to his talents, his character, and his patriotic services first contained in the writings of that impartial historian and nobleman, the late ex-Gov. John Reynolds. Well may each one who has honorably figured in the history of his country, his state, or his community,

“Wish no other herald,
No other speaker of his living actions,
To keep his honor from corruption,
Than such an honest chronicler.”

To this day, the spot near “the old elm tree,” where Rice Jones fell mortally wounded and a moment afterward expired, on that memorable December day, full four score years ago, is pointed out to visitors by the people of Kaskaskia, where

“The soft memory of his virtues yet
Lingers, like twilight hues when the bright sun is set.”

of the warmest friends and ablest advocates of the measure [Rice Jones] was assassinated at Kaskaskia, in consequence of their machinations, we derive great consolation from a firm belief that your excellency will gratify the virtuous majority, to whose patriotic exertions the citizens are indebted for the government of their choice, and your excellency your high station, with that honorable indemnity which is in your gift, and which would be considered by them as a remuneration for all those indignities, and a pledge of their future support to your administration.”—Edwards’ “History of Illinois,” pp. 29–30.









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